

REMARKS

By this Amendment, Applicants have amended claims 27, 40, 51, and 52, and cancelled claims 28, 29, 41, 42, and 50 without prejudice or disclaimer of their subject matter. Accordingly, claims 27, 30-40, 43-49, 51, and 52 are pending and under current examination. In the Office Action¹, the Examiner took the following actions:

- (a) rejected claims 27-35, 38-46, and 49-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,510,145 B1 ("Kim") in view of Canadian Patent Application No. 2 330 707 ("Wojtowicz") and further in view of U.S. Patent No. 6,437,786 B1 ("Yasukawa"); and
- (b) rejected claims 36, 37, 47, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view Wojtowicz and Yasukawa, and in further view of "Official Notice."

Applicants respectfully traverse these rejections and request reconsideration of the application for the following reasons.

Rejection of Claims 27-35, 38-46, and 49-52 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 27, 30-35, 38-40, 43-46, and 49-52 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Wojtowicz and in further view of Yasukawa. The rejection of claims 28, 29, 41, 42, and 50 has been rendered moot by the cancellation of these claims.

The Office Action has not properly resolved the *Graham* factual inquiries, the proper resolution of which is the requirement for establishing a framework for an objective obviousness analysis. See M.P.E.P. § 2141(II), citing to *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), as reiterated by the U.S. Supreme Court

1. The Office Action contains statements characterizing the related art and the claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the Office Action.

in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ2d 1385 (2007).

Specifically, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention, at least because it has not interpreted the prior art and considered both the invention and the prior art as a whole. See M.P.E.P. § 2141(II)(B).

Particularly, independent claim 27 recites “at least one delivery packet containing the multimedia service contents and further containing a corresponding service logic,” and independent claims 40, 51, and 52 contain similar recitations. The claimed “delivery packet,” which contains both “multimedia service contents” and “corresponding service logic” is not obvious over Kim, Wojtowicz, and Yasukawa, whether taken alone or in any combination.

Kim generally teaches creating, sending, and receiving data packets. See Kim, Abstract. The Office Action admits that Kim “does not explicitly teach further containing a corresponding service logic defining how the multimedia service contents are presented at the at least one terminal or presenting the received multimedia service contents at the at least one terminal in a manner defined by the received service logic.” Office Action, p. 3. The Office Action then cites Wojtowicz and Yasukawa to allegedly correct these deficiencies of Kim. See Office Action, pp. 3-4. Contrary to the allegations in the Office Action, however, Wojtowicz and Yasukawa do not correct these deficiencies of Kim. Particularly, the Office Action cites Yasukawa to allegedly teach “service logic defining how the multimedia service contents are presented at the at least one terminal and presenting the received multimedia service contents at the at least one

terminal in a manner defined by the received service logic." Office Action, p. 4.

Yasukawa does not, however, teach or suggest this subject matter.

Yasukawa generally teaches a network system including a projector and a server, wherein the projector can receive data from the server. See Yasukawa, Abstract. The projector can receive image controlling data and image processing applications from the server. See Yasukawa, 4:25-33. However, Yasukawa teaches downloading programs and execution modules first, and then downloading image data. See Yasukawa, 11:19-38. Furthermore, Yasukawa teaches keeping images at the server to keep projector memory capacity small. See Yasukawa, 4:13-14. Therefore, Yasukawa teaches downloading images one at a time from the server. See Yasukawa, 4:15-20. This would require a persistent connection with the server. But a system designed according to the teachings of Yasukawa would not incorporate all the features of Applicants' claimed invention, particularly that the client/terminal can work off-line, after downloading the packet. See, e.g., Specification, p. 9, lines 11-13.

Additionally, Yasukawa teaches transmitting data over a hardwired network to fixed projectors. See Yasukawa, Figs. 3 and 4, and col. 10, lines 26-31. Yasukawa does not teach or suggest using a wireless network, and it would not have been obvious to modify Yasukawa to use a wireless network.

The Office Action then alleges "[i]t would have been obvious to ... combine Yasukawa with Kim and Wojtowicz because both deal with transferring of data from a server to a terminal device," and "it makes the system less limiting in the sense of where the multimedia data can be viewed..." Office Action, p. 4. However, Applicants respectfully disagree with these allegations. Yasukawa teaches downloading programs

and execution modules first, and downloading images one at a time. Yasukawa thus teaches away from downloading all images at once because it seeks to minimize the memory requirements in the projector (terminal device). Neither Yasukawa, Kim, nor Wojtowicz, nor any combination thereof, teaches or suggests "at least one delivery packet containing the multimedia service contents and further containing a corresponding service logic," as recited in claim 27, with similar recitations in claims 40, 51, and 52.

Moreover, as amended, independent claim 27 recites:

generating the corresponding service logic using software stored in at least one software cartridge installed in a delivery application logic common to a plurality of multimedia services, each software cartridge containing software specific to a given multimedia service;

installing a new software cartridge in the delivery application logic, the installed software cartridge associated with a new multimedia service;

generating a service logic corresponding to the new multimedia service using software stored in the installed software cartridge

Independent claims 40, 51, and 52, as amended, contain similar recitations. These independent claims have been amended to include subject matter similar to that previously included in dependent claims 28 and 29. The Office Action incorrectly alleged that Wojtowicz teaches these recitations.

Instead, Wojtowicz teaches abstracting away network interactions to make programming easier. See Wojtowicz, Abstract. The Maui Server is the principal device for carrying out the abstraction. See Wojtowicz, p. 3, lines 31-33. The Maui Server includes Layout Managers which manages GUI components and contains software

objects representing general GUI components. See Wojtowicz, p. 4, lines 5-14 and p. 5, lines 6-15. Wojtowicz does not, however, teach the above quoted claim recitations.

Thus, Kim, Wojtowicz, and Yasukawa, taken alone or in any combination, do not render obvious Applicants' independent claims 27, 40, 51, and 52. In view of the reasoning presented above, Applicants therefore submit that independent claims 27, 40, 51, and 52 are not obvious and should therefore be allowable. Dependent claims 30-35, 38, 39, 43-46, and 49 should also be allowable at least by virtue of their respective dependence from non-obvious base claim 27 or 40. Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection.

Rejection of Claims 36, 37, 47, and 48 under 35 U.S.C. § 103(a)

Applicants request reconsideration and withdrawal of the rejection of claims 36, 37, 47, and 48 under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Wojtowicz and Yasukawa, and in further view of Official Notice.

As discussed in the previous section, the cited references do not render obvious Applicants' independent claims 27 and 40, at least because the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claimed invention. In particular, the cited references do not teach or suggest at least the above-quoted elements of Applicants' independent claims 27 and 40. The addition of the Office Action's Official Notice as to dependent claims 36, 37, 47, and 48 does not alter the reasoning presented in the previous section.

For at least the above reasons, Applicants' independent claims 27 and 40 are not obvious over the cited references, and should therefore be allowable. Dependent claims 36, 37, 47 and 48 should be allowable at least by virtue of their respective dependence from base claim 27 or 40. Applicants therefore request withdrawal of the 35 U.S.C. § 103(a) rejection.

Conclusion:

In view of the foregoing, Applicants request reconsideration of the application and withdrawal of the rejections. Pending claims 27, 30-40, 43-49, 51, and 52 are in condition for allowance, and Applicants request a favorable action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

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By: 
David M. Longo
Reg. No. 53,235

/direct telephone: (571) 203-2763/